

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
MARGETTA LANGLOIS,	)	
	)	
Plaintiff,	)	CIVIL ACTION: 04-CV11588
	)	
v.	)	
	)	
SAMUEL POLLACK,	)	
MICHAEL HUGO,	)	
ALBERT FLANDERS	)	
	)	
Defendants.	)	
_____	)	

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

NOW COMES the Plaintiff and moves this Honorable Court to compel further discovery on the part of the Defendants in compliance with United States District Court Federal Rules of Civil Procedure Rules 26, 33, 34, and 37.

In support of this motion, the Plaintiff states the following:

1. The Plaintiff in this action is pursuing an action in legal malpractice against her former attorneys, the Defendants.
2. A telephone conference was held with the Defendants Michael Hugo and Samuel Pollack on May 9, 2005.
3. The parties reached agreement that the deposition of the Plaintiff would resume on May 19<sup>th</sup>, 2005 at 10:00 a.m.

4. The parties reached agreement that the Plaintiff would be available for a mental examination by a doctor of the Defendants' choosing on May 20th, 2005.
5. The parties were unable to reach agreement on the outstanding initial required disclosures still outstanding on the part of all the Defendants, which must be provided as required by the United States District Court Federal Rules of Civil Procedure rule 26(a).
6. In particular, the Plaintiff states that the Defendants have not provided her with any required disclosure as required by United States District Court Federal Rule 26(a)(1)(B) which pertains to documents that the Defendants may use to support their claims or defenses.
7. Further, the Defendants have not complied with the required disclosure mandated under United States District Court Federal Rules of Civil Procedure 26(a)(1)(D) as pertains to insurance agreements.
8. Plaintiff served Defendants with Plaintiff's First Set of Interrogatories while she was Pro Se and Plaintiff's counsel concedes that many of Plaintiff's interrogatories were not properly formatted.

9. Nevertheless, Plaintiff asserts that her Pro Se Interrogatory Request no.3, “All proof of evidence from 1992 to 04/04 by Hugo, Pollack & Flanders, stamped by D.C dated by D.C.” (Dow Corning), was understandable to a person of average intelligence that Plaintiff sought documents provided by the Defendants to Dow Corning date-stamped between the years 1992 and April 2004.
10. However, in his answers to Plaintiff’s Pro Se interrogatories, Defendant Michael Hugo answered Plaintiff’s Interrogatory No. 2. as follows:

“This is not a properly framed interrogatory, within the meaning of F.R.Civ. P.33 and need not be responded to.”
11. Defendants Pollack and Flanders also claim that they could not understand Plaintiff’s Pro Se Interrogatories, usually to requests that were most pertinent to the cause of action.
12. To eliminate any misunderstanding as to what the Plaintiff sought in her First Set of Interrogatories, counsel for Plaintiff served Defendants with a second set of interrogatories on May 5, 2004, a copy of the Second Set of Plaintiff’s Interrogatories and Notice of Taking Deposition and Production of Documents is included as exhibit 1 to this Motion to Compel.
13. The Plaintiff is now seeking this Honorable Court to Order the Defendants to produce the following documents:

“All documents you generated on Plaintiff’s behalf in her action against Dow Corning.

All documents pertaining to any fee agreement between you and the Plaintiff.

Any documents you filed with the Dow Corning Settlement Trust Fund.”

14. The Plaintiff, since retaining legal counsel, has in good faith answered all outstanding discovery requests from the Defendants.
15. Plaintiff in good faith has communicated with the Defendants about their outstanding discovery without success.
16. Based upon the aforementioned, the Plaintiff also is entitled to an Order that the specific documents sought be produced and that Plaintiff’s Second Set of Interrogatories be answered in a responsive manner.

WHEREFORE, for the foregoing reasons, the Plaintiff, Margetta Langlois, respectfully requests that in service to fairness and justice that this Honorable Court compel the production of documents and answers to interrogatories served upon the Defendants Michael Hugo, Samuel Pollack, and Albert Flanders.

Dated: May 23, 2005

Respectfully Submitted,  
Margetta Langlois,  
By Her Attorney,

/s/ Susan J. Pope  
Susan J. Pope, Esq.  
BBO#661202  
1094 Essex Street  
Bangor, ME 04401

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	)	
Defendants.	)	
_____	)	

CERTIFICATION

I, Susan J. Pope, certify that on May 9, 2005, I spoke with the Defendants Michael Hugo and Samuel M. Pollack in a telephone conference.

1. The parties agreed to continue the deposition of Plaintiff Margetta Langlois on May 19, 2005 at 10:00 a.m. at the offices of Pollack & Flanders.
2. The parties further agreed that the Plaintiff would be made available for a mental examination by a doctor of the Defendants' choosing on May 20<sup>th</sup>, 2005.
3. The Plaintiff requested all required initial disclosures and answers to Plaintiff's second set of interrogatories submitted to the Defendants on May 5, 2005, which the Defendants have yet to comply with.

4. The Plaintiff has made a good faith effort to meet and confer with the Defendants to narrow the discovery issues and scheduling issues still outstanding.

Dated: May 23, 2005

Respectfully submitted,

/s/ Susan J. Pope  
Susan J. Pope, Esq.  
BBO# 661202  
1094 Essex Street  
Bangor, ME 04401

CERTIFICATE OF SERVICE

I, Susan J. Pope, counsel for the Plaintiff, certify that I have this 23rd day of May, 2005, served a true copy of the following documents

1. Motion to Amend Tracking Schedule
2. Motion to Compel Production of Documents and Further Answers to Interrogatories Addressed to Defendants.
3. Certification of Compliance with Local Rules

on the Defendants by delivering a copy of the same by mail, postage prepaid to:

Samuel M. Pollack  
50 Congress Street  
Boston, MA 02109

Albert Flanders  
50 Congress Street  
Boston, MA 02109

Michael Hugo  
95 Commercial Wharf  
Boston, MA 02110

Signed under the pains and penalties of perjury.

/s/ Susan J. Pope  
Susan J. Pope, Esq.  
BBO#661202  
1094 Essex Street  
Bangor, ME 04401